GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Sri N.S.N. Swamy, Former Tahsildar , Visakhapatnam Rural Mandal, Visakhapatnam District now retired - Departmental proceedings under rule 20 of the AP Civil Services (Classification, Control and Appeal) Rules, 1991- Article of charges issued – Explanation submitted - OA. No. 3450/2016 filed in the APAT, Hyderabad- Further action dropped – Orders issued.

G.O.RT.No. 167 **Dated: 08-02-2017**

Read the following:

1. From the Dist. Collector, Visakhapatnam, Lr. Rc. No. 3822/2014/A1, Dt. 04.01.2015.
2. GO. Rt. No. 862, Revenue (Vig.I) Dept., Dt. 15.09.2015.
3. GO. Ms. No.352, Revenue (Vig.I) Dept., Dt. 15.09.2015.
4. GO.Rt. No. 860, Revenue (Vig.I) Dept., Dt. 15.09.2015.
5. Sri N.S.N. Swamy, Former Tahsildar , Visakhapatnam Rural, Visakhapatnam District now retired, WSD., Dt. 30.06.2016.
6. Orders of the Hon'ble APAT., Hyderabad, Dt. 17.10.2016 in OA. No. 3450/2016.
7. From the Dist. Collector, Visakhapatnam Lr. Rc. No. 3822/2014/A1, Dt. 04.01.2015.

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O R D E R:

It has been brought to the notice of the Government that, the Tahsildars, Visakhapatnam Rural Mandal who have worked during the period from 2006 to 2014 have not taken any initiation in protection of valuable Govt. Land in Sy. No. 331/5 of Madhurawada Village of Visakhapatnam Rural Mandal though there are specific direction from the District Collector, Visakhapatnam to file a suit before the District Court, Visakahapatnam against the Decree in O.S. No. 1130/95 of 2nd Addl. Sr. Civil Judge, Visakhapatnam with regard to the cancellation of unregistered sale agreement Dt. 27.01.1989. In the reference 1st read above, the District Collector, Visakhapatnam has requested the Government to initiate disciplinary action against 1) Sri N.S.N. Swamy, former Tahsildar, Visakhapatnam (R), (now retired), 2) Sri M. Venkateswara Rao, former Tahsildar, Visakhapatnam (R), presently working as RDO, Tekkali, Srikakulam Dist., 3) Sri D. Peddi Raju, former Tahsildar, Visakhapatnam (R), presently working as Dy. Collector, CRDA., Guntur, and 4) Sri J. Durga Ravindranath, former Tahsildar, Visakhapatnam (R), now Spl. Tahsildar, KRCC, Visakhapatnam, for the above act.

2. And whereas, based on the report of the District Collector, Visakhapatnam, sanction orders were issued for initiation of disciplinary action in common proceedings against above said 4 A.O.s under Rule 24 APCS(CC&A) Rules, 1991, vide reference 2nd read above.

3. In the reference 3rd read above, the Government, under sub-clause(i) of clause (b) of sub-rule (2) of rule 9 of AP. Revised Pension Rules 1980, have instituted the departmental proceedings against Sri N.S.N. Swamy, former Tahsildar, Visakhapatnam Rural Mandal (now retired), duly framing Article of Charges against Sri N.S.N. Swamy, former Tahsildar, Visakhapatnam (R), (now retired) vide reference 4th read above, calling for his written statement of defence. The Charged Officer submitted his written statement of defence, vide reference 5th read above, denying the charges framed against him and requested the Government to exonerate him from the charges framed against him.

4. Sri N.S.N. Swamy, former Tahsildar, Visakhapatnam (R), (now retired) has filed O.A.No.3450/2016 before the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, with a prayer to declare the action of the respondent in issuing GO.Ms.No. 352, Revenue (Vig.I) Dept., Dt:15.09.2015 sanctioning for initiating disciplinary proceedings under rule of A.P.R.P. Rules and G.O.Rt.No.860, Revenue (Vig.I) Dept Dt:15.09.2015 contemplating disciplinary proceedings against the applicant framing the article of charges as illegal, arbitrary and contrary to the Rule 9(2)(b)(ii) of AP. Revised Pension Rules, 1980 and set aside the same in so far as the applicant is concerned.

(contd. P.2)

5. In the reference 6th read above, the Hon'ble APAT., while disposing the OA.No. 3450/2016, Dt. 17.10.2016 have observed that "the *applicant questions the Charge Memo on the ground that it is hit by Rule 9 (2) (b) (ii) of the Andhra Pradesh Revised Pension Rules, 1980. As per the said sub-rule, the departmental proceedings, if any instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall not be in respect of any event which took place more than four years before such institution. Institution of the Charge memo in this case is on 15.09.2015 when G.O.Rt.No.860 was issued. The allegations relating to the event pertain to the period between 20.08.2006 to 21.02.2009, when the applicant worked as Tahsildar, Visakhapatnam Rural mandal. There is no dispute that the applicant retired from service on 30.04.2011. Therefore, the Charge Memo covered by G.O.Rt.No.860 becomes barred by virtue of Rule 9 (2) (b) (ii) of the above rules, since the event alleged against the applicant in the Charge Memo relates to the period between the years 2006 and 2009. Thus, G.O.Ms.No.352 dated:15.09.2015 as well as G.O.Rt.No.860, Dt:15.09.2015 are barred. In the result, the Original Application is allowed, quashing G.O.Ms.No.352, Revenue(Vigilance-I) Department dated:15.09.2015 as well as G.O.Rt.No.860, Revenue (Vigilance-I) Department date:15.09.2015 as illegal and barred".*

6. In the reference 7th read above, the Dist. Collector, Visakhapatnam has reported that Sri N.S.N.Swamy, Retd. Tahsildar vide representation Dt. 10.11.2016, has requested to implement the Court order and drop further action against him. The Dist. Collector, Visakhapatnam while enclosing the copy of the above orders of Hon'ble APAT., has requested the Government to take a decision on the issue of enquiry against Sri N.S.N. Swamy, Tahsildar (Retd) and also further action against the individual as per the order of Hon'ble APAT.

7. Government, after careful examination of the matter keeping in view of the orders of Hon'ble AP. Administrative Tribunal, have decided to implement of the orders in OA. No. 3450/2016, Dt. 17.10.2016, duly dropping further action against Sri N.S.N. Swamy, Former Tahsildar , Visakhapatnam Rural Mandal, Visakhapatnam District now retired, subject to recovery of loss if any caused to Government. Accordingly, further action is hereby dropped against Sri N.S.N. Swamy, Former Tahsildar, Visakhapatnam Rural Mandal, Visakhapatnam District now retired, subject to recovery of loss if any caused to Government.

8. The Special Chief Secretary & Chief Commissioner of Land Administration, AP. Vijayawada/District Collector, Visakhapatnam shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C. SHARMA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri N.S.N. Swamy, Former Tahsildar , Visakhapatnam Rural Mandal, Visakhapatnam District now retired (**thorough the District Collector, Visakhapatnam)**
The Special Chief Secretary & Chief Commissioner of Land Administration,
AP. Gollapudi, Vijayawada.
The District Collector, Visakhapatnam.
Copy to
The Govt. Pleader for Revenue (Services),
AP. Administrative Tribunal, Hyderabad.
SC/SF.

// FORWARDED :: BY ORDER //

SECTION OFFICER